IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 25146 of 1999

Between:

Kaleppa Sri Ramulu S/o Venkataiah
R/o Rampalli Village , Triupathi

..... PETITIONER

AND

1 The Superintendent of Police ,
Chittoor District, Chittoor
2 The Sub- Inspector of Police, Alipiri Police Station,
Tirupathi
3 A.Gurrappa, S/o A.Vendanarayana,
r/o Sunnapuveedhi, Tirupathi

4 Kanniah S/o. Not Known
r/o Sunnapuveedhi,Tirupathi

5 Siddaiah S/o Not Known
r/o Sunnapuveedhi,Tirupathi

(Writ Petition is Dismissed for default as against respondents 3 to 5

as per the court order dt.21.3.2003)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a direction on the order against respondents by duly declaring the action of them on interfering in the civil disputes and in not protecting the property of the petitioner as illegal and arbitrary and consequently direct them not to interfere with the petitioner's peaceful possession of the land to an extent of Acre 1.45 cents situated in Sy.No.84/9, in Rampally Village , Tirupathi Mandal, Chittoor District in the interest of justice.

Counsel for the Petitioner:MR.P.RAMA SHARANA SHARMA

Counsel for the Respondent Nos.1 and 2: G.P. FOR HOME

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25146 OF 1999

ORDER:

The petitioner is a person belonging to Scheduled Caste. He alleged that he purchased Acs.2.00 of land in 1981 from one M.Subbamma and has been in possession of the property. It is his further allegation that at the behest of respondents 3 to 5, second respondent is interfering in civil dispute between petitioner and contesting respondents only on the allegation that the petitioner has no registered sale deed. Therefore, he filed the Writ Petition seeking a declaration that Police cannot interfere in civil dispute.

Though the Writ Petition is admitted long back, respondents 1 and 2 have not filed any counter affidavit and therefore instead of keeping the Writ Petition pending, the Writ Petition is being disposed of as the matter is covered by judgment of this Court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada.**

In **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

> The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.
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> In the scheme of the Constitution of India, the duty to resolve civil disputes is

entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes, if any, between the petitioner and contesting respondents.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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(V.V.S.RAO,J)

8.7.2005

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To

1 The Superintendent of Police ,
Chittoor District, Chittoor
2 The Sub- Inspector of Police, Alipiri Police Station,
Tirupathi
3 2 CCs to G.P. for Home, High Court Bldgs., Hyderabad (OUT)

4 2 CD copies